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APPLICATION NO. FILING DATE FIRST NAMED INVENTOR ATTORNEY DOCKET NO. CONFIRMATION NO. 10/088,233 07/11/2002 Paulo Sergio Dainez 33942R003 1548 441 7590 08/05/2003 SMITH, GAMBRELL & RUSSELL, LLP EXAMINER 1850 M STREET, N.W., SUITE 800 WASHINGTON, DC 20036 DUDA, RINA I ART UNIT PAPER NUMBER 2837 DATE MAILED: 08/05/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Application No. Applicants(s) DAINEZ ET AL			9m	
Examin r Rina I Duda 2837 The MAILING DATE of this communication appears on the cover she with the correspondence address Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE of THIS COMMUNICATION. Edenators of time may be available under the proteions 43 TCPR 1.13(q), in or event, however, may a reply be timely fined Edenators of time may be available under the proteions 43 TCPR 1.13(q), in or event, however, may a reply be timely fined Edenators of time may be available under the proteions 43 TCPR 1.13(q), in or event, however, may a reply be timely fined Edenators of time may be available under the proteions 43 TCPR 1.13(q), in or event, however, may a reply be timely fined If NO period for reply is periodic above, the maximum datatory proteid will apply and vall even 510 (NOMT Not from the mailing date of this communication from from the mailing date of this communication from the mailing date of this communication from from from the mailing date of this communication from the mailing date of this communication from the mailing date of this communication from from from from from from from from		Application No.		
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2a) This action is FINAL. 2b) This action is non-final. 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) 1-7 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5) Claim(s) 1-7 is/are rejected. 7) Claim(s) is/are allowed. 8) Claim(s) 1-7 is/are rejected to. 8) Claim(s) is/are objected to. 9) The specification is objected to by the Examiner. 10) The drawing(s) filed on 11 July 2002 is/are: a) accepted or b objected to by the Examiner. Application Papers 9) The specification is objected to by the Examiner. 10) The proposed drawing correction filed on is: a) approved b disapproved by the Examiner. If approved, corrected drawings are required in reply to this Office action. 12) The oath or declaration is objected to by the Examiner. Priority under 35 U.S.C. §§ 119 and 120 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some Ol None of: 1. Certified copies of the priority documents have been received in Application No. application from the International Bureau (PCT Rule 17.2(a)). *See the attached detailed Office action for a list of the certified copies not received. 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application). a) The translation of the foreign language provisional application has been received. 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121. Attachment(s)	THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely. - If NO period for reply sepecified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). - Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).			
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Application/Control Number: 10/088,233

Art Unit: 2837

DETAILED ACTION

Specification

1. Applicant is reminded of the proper content of an abstract of the disclosure.

A patent abstract is a concise statement of the technical disclosure of the patent and should include that which is new in the art to which the invention pertains. If the patent is of a basic nature, the entire technical disclosure may be new in the art, and the abstract should be directed to the entire disclosure. If the patent is in the nature of an improvement in an old apparatus, process, product, or composition, the abstract should include the technical disclosure of the improvement. In certain patents, particularly those for compounds and compositions, wherein the process for making and/or the use thereof are not obvious, the abstract should set forth a process for making and/or use thereof. If the new technical disclosure involves modifications or alternatives, the abstract should mention by way of example the preferred modification or alternative.

The abstract should not refer to purported merits or speculative applications of the invention and should not compare the invention with the prior art.

Where applicable, the abstract should include the following:

- (1) if a machine or apparatus, its organization and operation;
- (2) if an article, its method of making;
- (3) if a chemical compound, its identity and use;
- (4) if a mixture, its ingredients;
- (5) if a process, the steps.
- 2. The abstract of the disclosure is objected to because is an exact copy of independent claims 1 and 5. Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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4. Claims 1 and 4-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Yajima (US Patent 4465959).

Claims 1, 5, and 6, Yajima teaches a step motor drive control method and apparatus for permanent magnet motors comprising a three-phase inverter 25 and a control circuit for operating said motor including a means 53 for counting a first period of time during which the motor moves from first position to a second position and counting a second period during which the motor moves from said second position to a next position.

Claim 2, Yajima describes in column 4 lines 25-30 that counter 53 is cleared every time a starting pulse is received.

Claim 3, Yajima describes in column 4 lines 50-68 and column 5 lines 1-2 that the position of the motor is adjusted when due to vibration the motor moves.

Claims 4 and 7, Yajima describes that the motor can be turned of at various instances.

Claim Rejections - 35 USC § 112

- 5. The following is a quotation of the second paragraph of 35 U.S.C. 112:
 The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
- 6. Regarding claims 4 and 7, the phrase "may be" renders the claim indefinite because it is unclear whether the limitation(s) following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

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7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The documents cited teach different methods and apparatuses for controlling the position of electrical motors.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rina I Duda whose telephone number is 703-305-0722.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Nappi can be reached at 703-308-3370. The fax phone number for the organization where this application or proceeding is assigned is 703-308-7722 for regular communications and After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

Rina I Duda Examiner Art Unit 2837

RD July 27, 2003